

900 W. Davis Street
Dallas, Texas 75208

TELEPHONE 214-509-7555
817-225-0130
FACSIMILE 469-718-5887

www.chadwestlaw.com



CHAD WEST, PLLC
ATTORNEY AT LAW
Your Personal Injury & Criminal Defense Attorneys

CHAD WEST
BRENT BURPEE

ROB RUHLIN*
Of Counsel

**Licensed in Texas and New York*

The Deep Roots of Marijuana Prohibition and Racism

Marijuana became illegal in Texas, as well as the rest of the US, less than 100 years ago. Until that time, it wasn't any more worrisome than the coffee bean, but Prohibition changed that. The Marihuana Tax Act of 1937 was the end result of 22 years of finger pointing, arguments and scapegoating but at the heart of it all were racist undertones. Particularly in Texas, one of the first states to embrace anti-marijuana laws, it's alleged that racism might be the driving force behind outdated laws that still exist today. Decades-old legislative documents and newspaper clippings reveal that the first states with marijuana laws (Texas, Colorado, Montana and New Mexico) had one thing in common: Struggles with Mexican migration.

America's neighbors south of the border were coming to the US in droves during this time searching for better economic opportunities. However, these new immigrants were also bringing Mexican marijuana into the country—in what just happened to be the earliest prohibition states. A glimpse at the Texas legislative documents from the first half of the century showcase what can only be called "racist attitudes" towards Mexicans during this time.



Unfortunate Timing

At the turn of the century, marijuana was perfectly legal in the US although it wasn't heavily used. However, on the floor of the Texas Senate, a proponent of marijuana laws declared, "All Mexicans are crazy, and this stuff (marijuana) is what makes them crazy." There are some historians today who claim that this type of attitude is the foundation for marijuana laws of today. By 1937, marijuana was illegal in Texas—the same year Charlie Chaplin's first "talkie" was released.

Similar sentiments were echoed all the way to Montana, where another proponent is on record saying, "Give one of these Mexican beet field workers a couple of puffs on a marijuana cigarette and he thinks he is in the bullring at Barcelona." Looking back, it's clear to many that marijuana laws weren't about protecting people from a dangerous substance, but based on fear, ignorance and racism.

Jumping on the Bandwagon

Soon enough, more states began following suit—but with no concrete reasoning as to why. In 1919, a New York Times editorial stated, "No one here in New York uses this drug marijuana. We have only just heard about it from down in the Southwest...but we had better prohibit its use before it gets here." Scare

tactics were quickly employed and embraced as people argued that alcoholics and hard drug users would happily swap their habits for marijuana—the drug that allegedly made Mexicans crazy.

Of course, no massive prohibition movement could be successful without strong leadership. For marijuana, this came from Harry Anslinger, the “Father of the War on Weed” and first commissioner of the Federal Bureau of Narcotics during the 1930s. In one of his many racist rants, he claimed that “There are 100,000 total marijuana smokers in the US and most are Negroes, Hispanics, Filipinos and entertainers. Their satanic music, jazz and swing result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers and many others...Reefer makes darkies think they’re as good as white men.”

From Rumor to “Fact”

Anslinger’s “warnings” spread quickly as he touted that marijuana was “more dangerous than heroin or cocaine” and “leads to pacifism and communist brainwashing.” Furthermore, “If the hideous monster Frankenstein came face to face with marijuana, he would drop dead of fright,” according to Anslinger. In 1936, the (now cult classic) film *Reefer Madness* was released—one year later, marijuana became illegal.

Unsurprisingly, the “facts” Anslinger tossed around were later debunked. David Courtwright, a drug historian, studied surveys from Anslinger’s data that included a memo Anslinger had signed stating that the numbers he used were “made up.” What would happen if these statements were made on the Senate floor today, or if the *New York Times* ran such an offensive op ed piece? The outrageous language may have been stripped of the laws over the years, but the foundation remains the same: One built on racism, hatred, ignorance and fear.

80 Years Later, Outdated Marijuana Laws Have Overwhelmed the Penal System

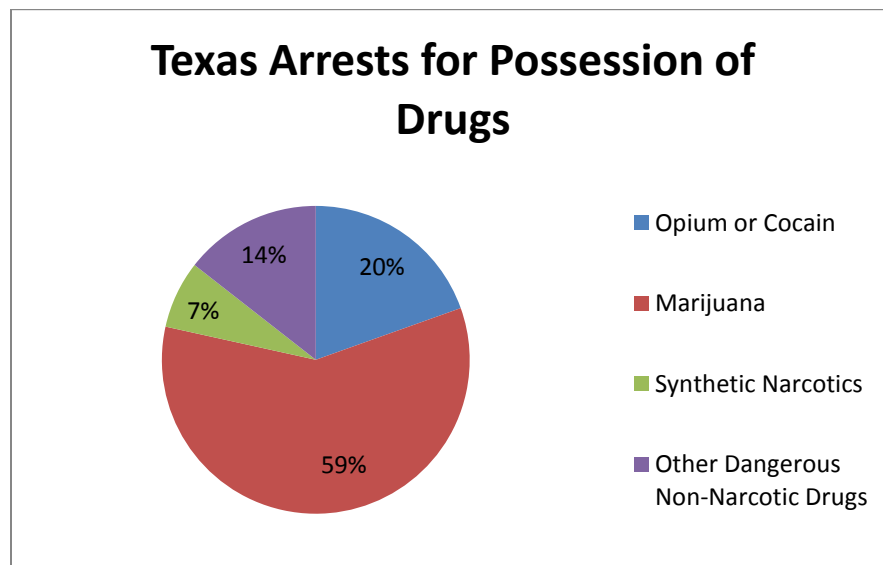
Statistics

- Texas had the second most total arrests for marijuana possession in 2010 with 74, 286 arrests
- Texas’ marijuana arrests totaled about 48% of all drug related arrests in the United States
- More people were arrested for marijuana related offenses than all violent crimes combined

Racism Still Exists

- Researchers also found that blacks in Texas were arrested for marijuana possession at more than twice the rate of whites.
- Nationwide, whites and blacks use marijuana at comparable rates, according to the Substance Abuse and Mental Health Services Administration
 - The report does not provide Latino arrest rates because federal arrest statistics do not distinguish between white and Latino arrests.
- Two Texas Counties in Nation’s Top 5 for Racial Discrimination
- In 2010, Texas marijuana-possession arrests made up more than 53 percent of all drug arrests in the state

County	Blacks more likely to be arrested than whites
Van Zandt	34.7 times more likely*
Cooke**	24.7**
Chambers	9.3
Hopkins	8.4
Waller	6.5
Orange	6.5
Rockwall	6.1
Titus	5.7
Angelina	5
Rusk	4.7
Grayson	4.3
Upshur	4.2
	*1 st in nation
	**4 th in nation



Drug	Total Arrests
Opium or Cocaine	4028
Marijuana	1,725
Synthetic Narcotics	6428
Other Dangerous Nonnarcotic Drugs	1,700

Texas Arrests for Sale/Manufacturing of Drugs



Drug	Total Arrests
Opium or Cocaine	23,151
Marijuana	69,770
Synthetic Narcotics	8,411
Other Dangerous Nonnarcotic Drugs	17,100